

Carlos Hernández
Mayor

Vivian Casáls-Muñoz
Council President

Jose F. Caragol
Council Vice President



Council Members
Katherine Cue-Fuente
Isis Garcia-Martinez
Paul B. Hernández
Lourdes Lozano
Carl Zogby

City Council Agenda April 10, 2018 7:00 P.M.

Call to Order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance to be led by Councilwoman Lourdes Lozano

MEETING GUIDELINES

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

PRESENTATIONS

1. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- The applicant for Item PZ 2 has requested that the item remain tabled until April 24, 2018.

2. CONSENT AGENDA

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A. Request permission to approve the minutes of the City of Hialeah Council Meeting held on March 27, 2018. (OFFICE OF THE CITY CLERK)
- B. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Pro-Max Restoration & Paint Corp., vendor providing the lowest quotation, for the exterior painting of City Hall, in a total cumulative amount not to exceed \$49,950. (CONSTRUCTION AND MAINTENANCE DEPT.)
- C. Request permission to waive competitive bidding, and increase the amount of the contract between the City of Hialeah and Civica LLC, since it is advantageous to the City due to the redesign and value engineering of the project, for the design and engineering of the Hialeah Educational Academy Charter School – Phase 3, by an additional amount of \$30,000, for a new total cumulative amount not to exceed \$98,000. On December 12, 2017 the City Council approved the award to this vendor in the amount of \$53,000 plus an additional \$15,000 for any unforeseen and reimbursable items. (CONSTRUCTION AND MAINTANCE DEPT.)
- D. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is the manufacturer of the product, and issue a purchase order to Trane U.S. Inc., to purchase new HVAC equipment to replace the existing Advantix de-humidifiers that are malfunctioning, in a total cumulative amount not to exceed \$148,572. (CONSTRUCTION AND MAINTENANCE DEPT.)
- E. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order #2018-323, issued to G. & R. Electric Corp., for extra work that was required by Florida Power & Light in order to provide electrical services to the project, additional LED lighting for the sculpture, and reimbursement of permitting fees, by an additional amount of \$4,959.90, for a new total cumulative amount not to exceed \$95,219.90. On September 26, 2017 the City Council approved to award Hialeah Bid No. 2016/17-3230-00-014 – *Don Quijote Plaza – Electrical and Site Lighting* to this vendor in the amount of \$82,500, and on January 9, 2018 the City Council approved to increase the purchase order by an additional \$7,760 to add security cameras and CCTV high definition

system to the scope of work. (CONSTRUCTION AND MAINTENANCE DEPT.)

- F. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order #2018-1366, issued to Communications & Network Solutions, Inc., to cover expenses related to city-wide CCTV and burglar alarm repairs and installations, by an additional amount of \$50,000, for a new total cumulative amount not to exceed \$64,735.46. (CONSTRUCTION AND MAINTENANCE DEPT.)
- G. Request permission to increase purchase order #2018-12, issued to Rainbow Window Tinting, Inc., doing business as Rainbow Emergency Equipment, to purchase emergency equipment and supplies for City vehicles, by an additional amount of \$80,000, with the pricing based on Hialeah Bid # 2011/12-3220-36-038 – *Furnish and Install Emergency Vehicle Equipment*, for a new total cumulative amount not to exceed \$160,000. (FLEET DEPT.)
- H. Request permission to utilize Western States Contracting Alliance Wireless Communication Services and Equipment Contract # 1797349 between the State of Nevada and AT&T Mobility National Accounts LLC, since it is advantageous to the City, and issue a purchase order to AT&T Mobility LLC., for Net Motion Mobility XE Premium Software Maintenance of all Mobile Data Terminations mobile VPN clients, in a total cumulative amount not to exceed \$22,127. (INFORMATION TECH. DEPT.)
- I. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to renew a services agreement with Claudia Santana, in substantial conformity with the agreement attached and made a part hereof as Exhibit “1”, for a term of twelve months, commencing on March 23, 2018 through March 23, 2019; and providing for an effective date. (PARKS AND RECREATION DEPT.)
- J. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to American Pavement Corp., vendor providing the lowest quotation, for the restriping of Hialeah Drive to East 3rd Street from 1st to 4th Avenue, in a total cumulative amount not to exceed \$16,165. (STREETS)
- K. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order #2018-1321, issued to Eureka Farms LLC, to purchase Green Island Ficus Plants to plant throughout the City, by an additional amount of \$21,000, for a new total cumulative amount not to exceed \$37,500. (STREETS)

3. ADMINISTRATIVE ITEMS

- 3A. First reading of proposed repealing Article V, in Chapter 86, entitled “Management of Rights-of-Way” of the Code of Ordinances of the City of Hialeah, Florida AND creating a new Article VI entitled “Communications Facilities in Rights-of-Way”, in Chapter 82 – Streets, Sidewalks and Other Public Places, to provide terms and conditions for the placement and maintenance of communications facilities or systems, small wireless facilities, micro wireless facilities, utility poles, wireless support structures and equipment facilities in the City’s Right-of-Ways for the provision of communications, cable services,

video services and wireless services, providing for enforcement and administration; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; providing for an effective date. (ADMINISTRATION)

- 3B.** First reading of proposed ordinance amending Chapter 14, entitled “Buildings and Building Regulations”, by creating new regulations §§ 14-10 through 14-13 of the Code of Ordinances for permanently siting, installing and maintaining generators in all assisted living facilities and nursing homes in the City; repealing all prior ordinances in conflict herewith; providing for penalties; providing for severability; providing for inclusion in the code; providing for an effective date. (COUNCILMAN HERNANDEZ)
- 3C.** First reading of proposed ordinance granting a license to Clear Channel Outdoor, Inc., a Delaware corporation, for a term of five years, commencing on May 1, 2017 ending on April 30, 2022, with three five year options to renew to provide, install and maintain bus passenger shelters with advertising during the initial term for a maximum of 100 shelters in substantial conformity with the terms of license agreement attached as exhibit “1”; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

4. BOARD APPOINTMENTS

- 4A.** Proposed resolution reappointing Christopher Zacarias as Special Master to conduct administrative hearings on code violations for the City of Hialeah, Florida, pursuant to the citation procedures set forth in Chapter 22, Article III, of the Hialeah Code, assume all powers authorized by Hialeah Code § 22-186(k), and serve a term commencing on June 1, 2018 and ending on May 31, 2019, at an hourly rate to be established by administrative order of the Mayor; and providing for an effective date (MAYOR HERNANDEZ)
- 4B.** Reappointment by Mayor Hernandez of Onix Morera to the Cultural Affairs Council for a two-year term commencing on April 26, 2018 and ending on April 26, 2020. (MAYOR HERNANDEZ)

5. UNFINISHED BUSINESS

6. NEW BUSINESS

7. COMMENTS AND QUESTIONS

ZONING

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item

Attention Applicants:

- Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

PZ 1. Second reading and public hearing of proposed ordinance granting a variance permit to allow the redevelopment of the property with a 145 unit, 5 story apartment building with 93 units (64.13%) having less than 850 square feet, where 131 units (90%) are required with 850 square feet; and allow residential uses at the ground level, where residential uses are allowed only above ground level; allow a building frontage of 62% at the base of the building, where 100% is required; allow a front setback for the middle of the building of 10 feet, where 22 feet is the minimum required; allow front setback for the cap of the building of 10 feet, where 34 feet is the minimum required; and allow 287 parking spaces, where 327 parking spaces are required. Zoned M-1 (Industrial District), located within the Neighborhood Business District gateways; all contra to Hialeah Code of Ordinances §§ 98-1630.2, 98-1630.3(d) and e (1), and 2189 (16) a. **Property located at 1050 East 9th Street, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Lucky 62, LLC, 13105 NW 42 Avenue, Opa Locka, Florida 33054)

The proposed ordinance was updated by the Law Department on April 4, 2018 (labeled ordinance #2 in backup)

Item was approved on first reading on March 27, 2018.

Item was approved with conditions by the Planning and Zoning Board on March 14, 2018.

Planner's Recommendation: Approve with Conditions.

*Owners of the Property: Lucky 62, LLC, 13105 NW 42 Avenue, Opa Locka, FL 33054
Brian Holland*

- PZ 2.** First reading of proposed ordinance rezoning Lot 6 from R-1 (One Family District) to R-2 (One and Two-Family Residential District); granting a variance to allow a duplex on Lot 6, a substandard lot, with width of 50 feet and area of 5,000 square feet, where 75 feet and 7,500 square feet are required; allow a 5.1 foot side setback, where 7.5 feet are required; allow 20 feet rear setback, where 25 feet are required; allow 43.20% lot coverage, where 30% is the maximum allowed; and granting a variance permit to allow for an existing single family to remain on substandard Lot 7, with a width of 50 feet and area of 5,000 square feet, where 75 feet and 7,500 square feet are required; all contra to Hialeah Code of Ordinances §§ 98-499, 98-544, 98-546, 98-547(a), and 98-2056(b)(2). **Property located at 4811 East 9th Lane, Hialeah.** Zoned R-1 (One-Family District). (Applicant: Cesar Fabal, 4811 East 9 Lane, Hialeah, FL)

<i>On March 27, 2018 the item was tabled by the City Council until April 10, 2018.</i>
<i>Item was approved as amended by the Planning and Zoning Board on March 14, 2018.</i>
<i>Registered Lobbyist: Albert Gonzalez, 16400 NW 59 Avenue, Miami Lakes, Florida.</i>
<i>Planner's Recommendation: Denial.</i>
<i>Owner of the Property: Cesar Fabal, 4811 East 9 Lane, Hialeah, FL 33013.</i>

- PZ 3.** First reading of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 1981-71 (June 23, 1981), that allowed two living units in a single family house, property zoned R-1, and granting a request to rezone the property from R-1 (One Family District) to R-2 (One And–Two Family Residential District) to allow the conversion of the existing two living units in the single family house into a duplex; and granting a variance permit to allow total lot coverage of 33.5% where 30% is required; and to allow an interior south side setback to 7.5 feet, where 8 feet is required; contra to Hialeah Code of Ordinances §§ 98-546 and 98-2056(b)(2). **Property located at 4451 East 8 Court, Hialeah, Florida;** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Sara Chong, 4451 East 8 Court, Hialeah, FL 33013)

<i>Item was approved subject to declaration of Restrictive Covenants by the Planning and Zoning Board on February 14, 2018.</i>
<i>Item was tabled by the City Council on February 27, 2018.</i>
<i>Registered Lobbyist: Elisa Garcia, 5721 NW 194 Street</i>
<i>Planner's Recommendation: Denial.</i>
<i>Owner of the Property: Sara Chong, 4451 East 8th Court, Hialeah, FL , 33013.</i>

PZ 4. First reading of proposed ordinance granting a variance permit to allow a residential development without a vertical mix of uses; allow 12.5% of the residential units to have floor areas of less than 850 square feet, where 10% is the maximum allowed; allow a building frontage of 79.1%, where 100% is required at the base of the building; allow a base height of 45 feet, where 40 feet is the maximum allowed; allow a street side setback of 1.75 feet, where 10 feet are required; allow a pervious area of 14.2%, where 30% is the minimum required; and allow 50 parking spaces, where 54 parking spaces are required; property zoned c-2 (liberal commercial district) within area 1 of the neighborhood business district overlay. **Property located at 2160 palm avenue, Hialeah, Florida;** repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Juan Carlos Rodriguez, 13350 NW 97 Avenue, Hialeah Gardens, FL 33018*)

<i>Item was approved with conditions by the Planning and Zoning Board on March 28, 2018.</i>
<i>Planner's Recommendation: Approve with conditions.</i>
<i>Owner of the Property: Juan Carlos Rodriguez, 13350 NW 97th Avenue, Hialeah Gardens, FL, 33018.</i>

FINAL DECISIONS

FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2018-02 that granted an adjustment on the property located at **160 East 63 Street, Hialeah, Florida;** and providing for an effective date. (*Applicant: Nauj Perez and Adriana S. Garcia, 160 East 63 Street, Hialeah, FL 33013*)

<i>Item was approved with conditions by the Planning and Zoning Board on March 14, 2018.</i>
<i>Planner's Recommendation: Approve with conditions.</i>
<i>Owner of the Property: Nauj Perez and Adriana S. Garcia, 160 East 63 Street, Hialeah, FL 33013.</i>

FD 2. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2018-03 that granted an adjustment on the property located at **641 East 51 Street, Hialeah, Florida;** and providing for an effective date. (*Juan A. Romero and Maritza Caballero, 641 East 51 Street, Hialeah, FL 33013*)

<i>Item was approved with conditions by the Planning and Zoning Board on March 14, 2018.</i>
<i>Registered Lobbyist: Juan J. Mayol , 701 Brickell Avenue, Miami, FL.</i>
<i>Planner's Recommendation: Approve with conditions.</i>
<i>Owner of the Property: Juan A. Romero and Maritza Caballero, 641 East 51 Street, Hialeah, FL 33013.</i>

NEXT CITY COUNCIL MEETING: Tuesday, April 24, 2018 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, May 22, 2018 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).